



WILLIAM T FUJIOKA  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

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February 27, 2014

To: Supervisor Don Knabe, Chairman  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", written over a horizontal line.

### **REPORT ON THE PURSUIT OF LEGISLATION TO ALLOW COUNTIES THE OPTION TO CONTRACT WITH PRIVATE COMMUNITY CORRECTIONAL FACILITIES TO HOUSE INMATES SENTENCED TO COUNTY JAIL**

On January 14, 2014, the Board adopted a motion by Supervisor Antonovich directing the Chief Executive Officer and the Sacramento advocates to seek legislation to allow counties the option to contract with private community correctional facilities (CCFs) to meet the County's public safety needs and to report back to the Board in 45 days.

#### **State Authority to Contract with Community Correctional Facilities**

Under existing law, the State has time-limited authority to contract with private correctional facilities. For several years, the State has been authorized to contract with private out-of-State facilities to house prison inmates as a result of an emergency order related to overcrowding in the State prison system. More recently, **County-supported SB 105 (Chapter 310, Statutes of 2013)**, urgency legislation, that took effect September 12, 2013, granted the State additional authority to contract with public and private, in-State and out-of-State correctional facilities to house prison inmates to further address overcrowding and to comply with the Federal three-judge panel's prison population court reduction order.

*"To Enrich Lives Through Effective And Caring Service"*

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### **Counties' Authority to Contract with Community Correctional Facilities**

AB 109 (Chapter 15, Statutes of 2011) created the overall framework for the 2011 Public Safety Realignment which transferred the responsibility for the supervision and incarceration of certain lower-level offenders from the State to counties. Provisions of the law granted counties the authority to contract with publicly owned and operated CCFs to house inmates sentenced under the provisions of AB 109. These provisions were intended to allow counties flexibility in addressing population management issues and potential overcrowding due to the increased number of inmates serving time in county jails. However, AB 109 did not grant authority for counties to contract with privately owned and operated CCFs to house inmates sentenced under the AB 109 Program.

### **County-Sponsored Legislation to Contract with Private Community Correctional Facilities**

As directed by the Board on January 14, 2014, this office and the Sacramento advocates worked with Legislative Counsel to draft language to pursue legislation that would grant counties authority to contract with private CCFs. The Sacramento advocates approached a bi-partisan group of legislators, as well as various members of the Los Angeles County Legislative Delegation, to author the County's proposal, and Assembly Member Matt Dababneh agreed to carry the legislation.

As introduced on February 21, 2014, **County-sponsored AB 2534 (Dababneh)**, would authorize the Los Angeles County Board of Supervisors, upon agreement with the Sheriff, to contract with private CCFs to house jail inmates. AB 2534 is currently in the Assembly pending assignment to committee.

This office will keep the Board advised on any developments related to AB 2534 via Sacramento Updates.

WTF:RA  
MR:KA:ma

c: Executive Office, Board of Supervisors  
County Counsel